

# BINGHAM

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March 9, 2009

## VIA EMAIL AND OVERNIGHT MAIL

John V. Giusti  
Acting Chief, International Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Petition for Protection from Whipsawing and Stop Settlement  
Payment Order on U.S.-Tonga Route (IB Docket No. 09-10)

Dear Mr. Giusti:

By its undersigned counsel, Primus Telecommunications, Inc. ("Primus"), responds to the International Bureau's request regarding Primus' carrier relationships regarding IMTS traffic to Tonga. Pursuant to conversations between Commission staff and counsel, Primus was given a brief extension of time to complete this response after the Bureau's original requested response date of March 2, 2009.

1. Please confirm whether Primus provides or provided facilities-based IMTS service between the U.S. and Tonga in the calendar year 2008 and/or within this calendar year 2009.

A: Primus did not provide facilities-based IMTS to Tonga in 2008 or so to date in calendar year 2009.

2. Please indicate whether Primus has or had in the calendar year 2008 and/or within this calendar year 2009 direct circuits to Tonga (*i.e.*, wholly or jointly owned circuits between the United States and Tonga) and exchanged IMTS traffic over such circuits with TCC, Digicel Tonga Ltd. (Digicel) or its affiliates, or any other carrier authorized to provide telecommunications service in Tonga. If so, please provide a copy of any operating agreement(s) for 2008 and/or 2009 for the exchange of traffic with Tonga into which you have entered with any of the aforementioned entities, including all rate and discount schedules or amendments.

A: Primus did not have direct circuits to Tonga in 2008 or to date in 2009.

Boston  
Hartford  
Hong Kong  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Santa Monica  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

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3. If Primus has or had direct circuits to Tonga, please indicate if and when those circuits were disrupted, and the circumstances under which the disruption occurred.

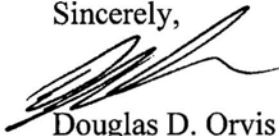
A: As Primus did not have direct circuits to Tonga, this question is not applicable.

4. Please indicate whether Primus currently provides or provide during the calendar year 2008 and/or calendar year 2009 IMTS service to or from Tonga through an alternative operating arrangement (*e.g.*, through a third party or country). If so, please identify those carriers and countries, briefly describe those arrangements and specify the settlement rates (including any discounts) for the exchange of traffic with Tonga during 2008 and/or 2009. (Note: we are not at this time requesting copies of operating agreements associated with third party routing arrangements through another country).

A: In 2008 and thus far in 2009, Primus has provided IMTS to Tonga. This traffic is provided via an intermediary carrier Shoreline Communications Ltd. ("Shoreline"). This contract was transferred to Digicel (Tonga) Limited ("Digicel") in 2005 via a novation agreement. Primus delivers traffic to Shoreline/Digicel in Los Angeles. Primus does not know how Shoreline/Digicel arranges for termination (*i.e.*, direct connection or other third party termination). After September 1, 2008, the termination rate paid by Primus was \$.30. Primus is researching the rates it paid prior to that time, but must retrieve that information from off-line storage and does not have this information available. Primus will provide additional rate information to the Commission when it has this information available.

If you have any questions about this response, please contact the undersigned.

Sincerely,



Douglas D. Orvis II  
Counsel to Primus Telecommunications, Inc.

cc: James Ball, FCC, *via email only* ([James.Ball@FCC.gov](mailto:James.Ball@FCC.gov))  
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